

# **Doubts raised about proposed abortion clinic**

**By DEIDRE WILLIAMS**

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Whether New Jersey doctor Steven C. Brigham is able to offer abortions in the Town of Tonawanda may depend on whether the facility is deemed a clinic or private medical office.

The state Health Department is indicating that if Brigham submits an application for a clinic at 3834 Delaware Ave., he might have a difficult time getting approval.

"If we were to receive a (certificate of need) application that involved (Brigham) as owner, proposed operator or member of the governing body of a clinic or other facility, the 1994 revocation of his New York State medical license would not be viewed favorably in the assessment of character and competence," said Neil P. Benjamin, assistant director of the Division of Health Facility Planning, in a letter to Town Supervisor Ronald H. Moline.

The certificate-of-need process requires a review of the character and competence of the applicant, including the ownership and governing board, Benjamin said. Authorities routinely consult with colleagues in the Office of Professional Medical Conduct to determine if physicians proposing to own or operate clinics or other health care facilities have ever been penalized by the state.

As of now, Brigham has not submitted a request, and he has previously told The Buffalo News that the facility will be a private medical office, not a clinic.

But the question of what is a clinic versus a private office appears unclear in New York State. What's more, it's a distinction that has sparked a similar battle at one of Brigham's abortion services facilities in a Philadelphia suburb.

Officials in King of Prussia are trying to shut down Brigham's American Women's Services, saying it's functioning as a clinic and therefore violates the town's current zoning laws that restrict medical and dental clinics to sites of three or more acres.

Brigham and his attorneys argue that the facility is not a clinic and is well within the zoning requirements. Officials have been holding public hearings over the past several months to resolve the matter, said Zoning Officer Mark A. Zadroga.

"The township doesn't like abortion providers, so they interpreted it as being a clinic," said Julia Gabis, the attorney who represents American Women's Services in Pennsylvania.

Back in Tonawanda, many town leaders, residents and clergy don't want abortion services provided in their town, either.

"We don't care if it's called a clinic or hospital or doctor's office, abortions should not be performed," Moline said. "I'm opposed to abortions being performed and I was encouraged by the state's letter."

e-mail: [dswilliams@buffnews.com](mailto:dswilliams@buffnews.com)